## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
V.	§	
	§	
Real Property located at 4801 Aberdeen	§	
Parkway, Amarillo, Texas;	§	NO. 2:11-CV-214-J
	§	
2003 BMW X5, VIN 5UXFA53593LV90017;	§	
	§	
and 2006 Pontiac GT Sedan,	§	
VIN 1G2ZH558364337961,	§	
Defendants In Rem.	<b>§</b>	

# **ORIGINAL ANSWER**

## To the Honorable United States District Judge:

Claimant FirstBank Southwest ("Claimant") answers Plaintiff United States of America's September 13, 2011 Complaint for Forfeiture ("the Complaint") and would respectfully show as follows:

I.

 Claimant admits the jurisdictional and venue allegations in Section I of the Complaint.

II.

2. Claimant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Section II.

III.

3. Claimant is without knowledge or information sufficient to form a belief about the truth of the allegations in Section III of the Complaint relating to the vehicles. Claimant denies

that the government did not seize or attempt to seize the real property located at 4801 Aberdeen Parkway in Amarillo, Texas ("the Real Property"). The remaining statements in Section III are not allegations to which an admission or denial is necessary.

#### IV.

4. Claimant admits that it has a claim to the Real Property. Claimant denies that Phyllis Buckley has a claim to the Real Property. Claimant is without knowledge or information sufficient to form a belief about whether Phyllis Buckley has a claim to the other property at issue in the Complaint.

#### V.

5. Claimant denies that the Real Property is subject to forfeiture. Claimant is without knowledge or information sufficient to form a belief about whether the other property at issue in the Complaint is subject to forfeiture.

#### VI.

For these reasons, Claimant requests that the Real Property be dismissed from this forfeiture action or, in the alternative, that Claimant be reimbursed for all funds invested in the Real Property and costs incurred in connection with the Real Property. Claimant further requests that all costs incurred by the Government in seeking forfeiture of the Real Property be taxed against the Government. Claimant also requests attorneys' fees and costs expended in this action plus such other relief to which the Claimant may show itself to be justly entitled.

Respectfully submitted,

### MULLIN HOARD & BROWN, LLP

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By: /s/ Clint R. Latham

Clint R. Latham,

Attorneys for FirstBank Southwest

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document was this  $2^{nd}$  day of November 2011 served electronically on all appropriate parties through the court's CM/ECF filing system. In addition, on this day the following parties will be served by U.S. first class mail, postage prepaid:

John De La Garza III Assistant United States Attorney 1100 Commerce, Third Floor Dallas, Texas 75242

/s/ Alysia Córdova
Alysia Córdova